

01-12-01

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EXPRESS MAIL CERTIFICATE

EC 706719253US

Date: January 11, 2001 Label No.
I hereby certify that, on the date indicated above, this paper or fee was deposited with the U.S. Postal Service & that it was addressed for delivery to the Assistant Commissioner for Patents, Washington, DC 20231 by "Express Mail Post Office to Addressee" service.

PLEASE CHARGE ANY DEFICIENCY UP TO \$300.00 OR CREDIT ANY EXCESS IN THE FEES DUE WITH THIS DOCUMENT TO OUR DEPOSIT ACCOUNT NO. 04-0100

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D B Peck [Signature]
Name (Print) Signature

Docket No. 1946/1A483-US8

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Sam J. MILSTEIN *et al.*

For: **ACTIVE AGENT TRANSPORT SYSTEMS**

CONTINUING APPLICATION

Hon. Commissioner of
Patents and Trademarks
Washington, DC 20231

Sir:

This is a request for filing under 37 C.F.R. 1.53(b) of a continuation application of the following pending prior application:

Serial No. 08/939,939 Filed: September 29, 1997

Of: Sam J. MILSTEIN, Andrea LEONE-BAY, Donald J. SARUBBI, and Harry LEIPOLD

For: **ACTIVE AGENT TRANSPORT SYSTEMS**

Examiner: L. Channavajjala Group: 1615

1. Enclosed is a copy of the prior application as originally filed (along with a copy of the original Declaration). No amendments identified in the declaration for this prior application introduced new matter. Please use this copy as the application and declaration for the present case.
2. Formal Drawings are filed herewith (Sheets 1-30, Figs. 1-30).

3. The filing fee is calculated below:

CLAIMS AS FILED, AFTER ACCOMPANYING AMENDMENT

| | Claims on File | Number Extra | Rate |
|--|---|--------------|---|
| Basic Fee | | | \$710.00 |
| Total Claims | 105 ¹¹¹ 20 = 85 ⁹¹ x \$18 | | \$1,530.00 ^{\$1,638} |
| Independent Claims | 14 ¹⁵ - 3 = 12 ¹²⁸ x \$80 | | \$640.00 ^{\$960.00} |
| If Multiple Dependent Claims Are Present, Add \$270.00 | | | \$0.00 |
| Total Filing Fee | | | \$2,880.00 ^{\$3,308.00} |

4. A check in the amount of ~~\$2,880.00~~ ^{\$3,308.00} is enclosed.
5. At page 1, line 11, of the specification, after "application" insert --is a continuation of application Serial No. 08/939,939, filed September 29, 1997, which--.
6. After line 5 on page 2, insert "Each of these prior applications is hereby incorporated herein by reference, in its entirety."
6. The prior application is assigned to: Emisphere Technologies, Inc.
7. The Assignment was recorded at Reel 10186 Frame 0658 on August 23, 1999.